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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,788	01/14/2002	Martin Walter Dalton	4058-122	5602

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
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EXAMINER

BASTIANELLI, JOHN

ART UNIT PAPER NUMBER

3754

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,788

Applicant(s)

DALTON, MARTIN WALTER

Examiner

John Bastianelli

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is too long (more than 150 words) and the term "comprising" is to be changed as it is legal phraseology. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: On page 1, line 30, the word "siezed" should be --seized--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheets US 2,417,994.

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Sheets discloses a remote shut-off valve (Fig. 2) comprising a diaphragm valve (Fig. 2) and a pilot valve 106, the diaphragm valve having an inlet 66, an outlet 67, a valve member 71 and 77 and a valve seat 70, the valve member 71 and 77 having a closed position engaging the valve seat and an open position when the valve does not engage the valve seat, a first fluid conduit 86 and 97 connecting the inlet of the diaphragm valve to the inlet of the pilot valve 106, a second fluid conduit 93 connecting the outlet of the pilot valve to the outlet of the diaphragm valve, the diaphragm valve having a control chamber 113, and a flow channel 111 connecting the control chamber to the diaphragm valve inlet. The body of the diaphragm valve is a removable cap member 83 (column 6, lines 9-15), which provides the control chamber 113, the flow channel 111 is located within the cap member 83. A part of the fluid conduits are formed within the cap member 83 and the flow channel 111 comprises a branch in the first fluid conduit within the cap member 83. The diaphragm valve includes a housing 65 and the periphery of the valve member 71 and 77 is clamped between the cap member 83 and the housing 65. The pilot valve is non-directional (Fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheets US 2,417,994 in view of Smith US 4,063,708.

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Sheets discloses a remote shut-off valve (Fig. 1) comprising a diaphragm valve (Fig. 1) and a pilot valve 55, the diaphragm valve having an inlet 10, an outlet 11, a valve member 15 and 19 and a valve seat 13, the valve member 15 and 19 having a closed position engaging the valve seat and an open position when the valve does not engage the valve seat, a first fluid conduit 33 and 54 connecting the inlet of the diaphragm valve to the inlet of the pilot valve 55, a second fluid conduit 56 and 63 connecting the outlet of the pilot valve to the outlet of the diaphragm valve, the diaphragm valve having a control chamber 31, and a flow channel 53 connecting the control chamber to the diaphragm valve inlet. Sheets discloses tubes 33, 53, 56, and 63 which are seen as secured by quick release connectors (Fig. 1, connected by a threaded connection which is seen as quick release). Sheets lacks disclosing if the tubes are flexible, have O-ring seals that engage a part of the flexible tube, and have releasable securing means. Smith discloses a quick disconnect device for flexible tubes with an o-ring 25 engaging the flexible tube 30 which is a releasable securing means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the connections of Sheets with quick release for flexible tubes as disclosed by Smith in order to provide a connection that reduces time to connect and disconnect.

Allowable Subject Matter

8. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose a securing housing within which both of the flexible tubes are retained and having locking means to lock the securing housing to the body of the diaphragm valve as claimed in claim 9 in combination with claims 1 and 5-8 and a valve housing which has curved channels for each of the flexible tubes as claimed in claim 12 in combination with claims 1 and 5.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griswold, Reese, Scott, Berger, and Weise disclose pilot valves with diaphragms and a flow channel. Handke discloses an o-ring in a flexible tube connection. Florida and Losell disclose a quick release connection in a flexible tube.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry C. Yuen can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7765 for regular communications and (703) 308-7765 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0975.


John Bastress
AV 3754 Patent Examiner

JB

November 22, 2002